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THE MANIFESTO,

Of near 150 Knights, and Eminent Merchants and Citizens of LONDON,

Against the

Jews now in England;

Being a Brief Account of the JEWS Case, (which is now become National) in Relation to the CUSTOMS, &c.

Humbly Presented to the KING and PARLIAMENT, by Samuel Hayne, *Gent. Sometime Surveyor for the Customs, and for the Act of Navigation, in the Counties of* Devon *and* Cornwal.

(N. 1.) THOUGH the Clauses of Exemption from payment of Alien Duty, granted the Jews in their Patents of Denization by King *Charles* II. and King *James* II. *Non obstante* the Statutes were Void at the Demise of the first, and the Abdication of the last; and that the said Duty is given a new by Act of Parliament to His present Majesty; and that His Majesty has neither confirmed those *non obstante* Clauses, nor granted any new Patents of Denization with such Clauses: Yet the Jews presumed to enter their Goods and Merchandizes since His Majesties Reign in their own Names, paying only *English* Duty, and for Non-payment of the said Alien Duty, the Goods so entred, or the value thereof, are entered, *Hodie Stat. in the Magent.*

1. *H.* 7. 2.
11 *H.* 7. 14
22. *H.* 8. 8, &c.

12 *Car.* 2.
1. *W.* & *M.*

Which being taken in one of, Mr. *Thomas Penington*, one of His Majesties Officers at the Custom-House *London*, (with the privity of Mr. *Samuel Hayne*,) acquainted one of the Lords Commissioners of the Treasury with the whole matter, who did represent it to the King; and His Majesty being satisfied, Mr. *Penington* was ordered to bring on his Informations; and His Majesty declared, That he would not abate the Jews Three pence of what was legally due to himself, which is a Moity.

58000 *l.*

Soon after Mr. *Penington* enters his Informations in the Exchequer, *Qui tam, &c.* against some Jews in about 58000 *l.* And before he could bring on his first Tryal, the Jews got an Order of Council for Mr. Attorney Gen. to enter up *Noli prosequies* against those Informations brought by Mr. *Penington*, and against all others that should be brought against the Jews on the like Account.

However Mr. *Hayne* observing the Jews to be guilty of more Forfeitures on the same account, brought new Informations against them for about 30000 *l. Non obstante* the said Order.

30000 *l.*

☞ The Jews Petition, whereon this Order of Council is grounded, is for the greatest part filled with Illegal and False Allegations, which might have been replied to and detected. And to that purpose Mr. *Penington* lodged a short Petition in Council, praying, That both parties might be heard. But when that Case came on (which was Nine Council Days amended) he could not get his Petition read though often urged. So the Order was past without admitting any debate of the Matter; as appears in *Numb* 3.

It is humbly supposed, That these Illegal Actions do naturally fall under the Consideration of the Parliament; (the Case being National, and of above 100000 *l.* concern to the Crown.) For, 'tis the Parliament gives the Customs (and on non-payment thereof, the Moiety of the Forfeitures) to His Majesty, for the Supply of the Navy, *&c.* And these *Noli prosequies*, have all of them a *Salvo jure* in the Conclusion. So that if the King be deceived in his Grant, they are revocable, and by Authority, may be set aside, and the King restored to His Moiety.

100000 *l.*

A Copy of the Order of Council of Noli Prosequies.

At the Court at White-Hall, *the* 20th. *of* February, 1689. *By the King's most Excellent Majesty, and the Lords of His Majesty's most Honourable Privy Council.*

UPON reading this Day at the Board, the Humble Petition of *Antonio Gomezserra*, *Phineas Gomezserra*, *Andrew Lopez*, *Antonio de Costa*, *Joshuah Bueno*, *Menasses Mendez*, *Antonio Correa*, and several others, making in all Twenty Merchants of *London*; setting forth, (1) That the most of them being made Free Denizens, are by Vertue thereof discharged from paying any more Customs, then his Majesty's Natural born Subjects. (2.) And that, upon questioning the Validity of their Patents in the Late Reign, it was by the then Lord Treasurer, with Advice of the then Attorny General, upon a solemn hearing of Council on both Sides determined in Favour of the Petitioners; who were then told by the Commissioners of the Customs, That they might freely enjoy the Benefit intended them by their Letters Patents. (3.) And afterwards, when Informations of *Devenerunt* were brought against them, for all the Goods they had Imported since the Death of King Charles the Second for Non-payment of Aliens Duties; the same, upon Application to His Majesty in Council, were stopt by *Noli prosequies*, and the Letters Patents thereby again confirmed. (4.) That now there are Suits commenced against them by one *Thomas Penington*, who has lately Arrested all the Petitioners in His Majesty's Name, for vast Summs of Money, being the Value of all the Goods they have Imported and Exported since the Eleventh of *December* 1688. and brought Informations of *Devenerunt* against them in the Court of *Exchequer*, which greatly impairs their Credits, and puts a stop to their Trading. (5.) That such of the Petitioners as are not Denizens, have paid Aliens Duties for all the Goods they Imported, and the rest have not taken the Benefit of their patents, any farther than what concerns their own proper Goods, paying still, as Aliens, for what belonged to Foreigners, and was consigned to them by their Friends Abroad, insomuch that for above one half of what they are Arrested for they have paid the full Duty as Aliens. (6.) And as for Aliens Duty Outwards, the same having been taken off by Act of parliament in King *Charles*'s Reign, and by proclamation in the Late Reign, as greatly prejudicial to the Exportation of the Woolen Manufactures, it was never demanded. The Commissioners of the Customs taking it for granted, That it was never

never intended by the next Grant of the Customs to his Majesty; till of late the said Commissioners have been directed and have ordered the Merchants to deposite the said Duties Outwards, till His Majesty shall be pleased to declare his further pleasure. (7.) And the Petitioners therefore praying to be relieved against the said Informations, by a *Noli Prosequi*, His Majesty taking the whole Matter into Consideration, was Graciously Pleased this Day in Council, to Order, That Sir *George Treby*, His Majesty's Attorney General, do cause *Noli Prosequies* to be forthwith Entred upon the said Informations, or any others that shall be brought against the Petitioners upon the like Accompt, it being His Majesty's Pleasure, that they enjoy the full Benefit of their Respective Letters Patents.

John Nicholas.

Remarks on the Order of Council foregoing for Noli Prosequies; *which (with other things) would have been argued, if a hearing had been admitted.*

(1.) THE very first Allegation is false, for by the Statutes, Aliens made Denizens, must pay the same Duty they did before they were made Denizens, notwithstanding any Patents then granted, or afterwards to be granted to the contrary. (2.) However, King *Charles* the II. granted divers Jews Patents of Denization, with Clauses of Exemption from Payment of the Alien Duty *non obstante* the Statutes. But that Duty, with the Customs, were given to the said King only for his Life, and that the Validity of their Patents were called in Question, is also False, for, 'twas only those *non obstante* Clauses were questioned. And my Lord Treasurer, the Earl of *Rochester*, never determined in their Favour, but declared his Opinion to the Contrary. But as for the Commissioners of the Customs, (over whom Sir *Nicholas Butler* had the Ascendant, and was to the Jews a particular Friend,) might, for ought I know, say as they Alledge. (3.) The *non obstante* Clauses being Void by King *Charles* his Demise, and, by Act of Parliament, that Duty given a new to King *James*; and those Jews omitting to pay the same, Informations (after taking the Opinions of Sir *John Holt*, Sir *Henry Pollexfen*, Sir *Creswell Levinz*, Mr. *Finch*, Sir *William Williams*, and other Council Learned) were brought against them, and the Trial ready, but stopt by *Noli Prosequies* gotten behind the Backs of the Informants, by the Interest of Sir *Nicholas Butler*, as Sir *Thomas Powis*, then Attorney-General, told them; but their *non obstante* Clauses are not thereby confirmed. (4.) King *James* granted to those, and other Jews, the like *non obstante* Clauses, which, by Council Learned, Mr. *Penington* was advised were Void by his Abdication. And the said Duties being given a new to Their Present Majesties, he did bring Informations of *Devenerunt*, as in Fact set forth, and if it impairs their Credits, they have brought it on themselves by their non-payment of the Duty. (5.) Their Allegations of paying Alien's Duty, *&c.* is but a Sham; for Mr. *Penington* cannot recover, but for such Goods as have not paid it. (6.) The Act for taking off the Alien Duty Outward in King *Charles* his Reign, was Repealed by the Acts 1 *Jac.* 2. and 1 *W. M.* and there was never a Proclamation to that purpose in King *James* his Reign, only an Order of Council during Pleasure, against which, all the Merchants in *England* (except very few) Petitioned, but could not be redressed till His Present Majesty in Council the 14th. of *October*, 1693. Ordered its Receipt, a Copy of which Petition and Order, and the Merchants Address of Thanks therefore follow. (7.) And now the Jews (correspondent to their former Art in King *James* his time) have procured this Order of Council without any hearing had of the Matter, which is humbly conceived would never have been granted, if his Majesty, (by whose Approbation the Suits were begun,) had heard the Matter debated.

Considering,

First, That His Majesty's Moity of the Prosecution amounts to above 40000 *l.* on Forfeitures past. That the Duty thereby cut off for the future, is at least 10000 *l. per Ann.* for; and if this be remitted to the Jews, it must be supplied by the People of *England*. 40000 *l.* 10000 *l. per An.*

Secondly, That the Ballance of Trade is thereby broken, and those Jews, by Vertue of their Illegal Clauses, let loose to over-run and Ruin the Trade of the *English* Merchants, both at Home and Abroad.

Thirdly, That these *Noli Prosequies* prove a Snare to the Just, whether Officer or other Legal Prosecutor; for, instead of Reaping the Benefit of their Legal Prosecutions, they are by *Noli Prosequies* caught in a Trap and ruined.

Fourthly, That this Order of Council bears date since the last Session of Parliament, and the Act of Rights, *&c.* provides against all *Non Obstantes*, of, or to any Statute whatsoever: And, though these are only *Noli Prosequies*, yet they are to support and confirm pernitious *Non Obstantes* granted by King *Charles* and King *James*: Also the said Act declares the dispencing Power Illegal, and that no Forfeitures shall be disposed of till after Conviction. 1 *W. M.*

Fifthly, That most *English* Merchants have Estates, in Land, as well as Stocks in Trade, and pay Taxes for it, whereas the Jews Riches are past finding out: And, it must needs grieve the *English* to pay the New Taxes, when the Jews are Illegally exempted from payment of an Ancient Duty.

A Copy of Mr. Penington's *Petition which he could not get Read.*

To the King's Most Excellent Majesty in Council.

Sheweth,

THAT your Petitioner, by Advice of Council-Learned, and mature Consideration, had with Your Majesty's fair dealing English Merchants, did lately bring Writs of *Devenerunt qui tam*, &c. against some Jews, who had Defrauded Your Majesty in Your Customs, and illegally incroached on the Trade of this Kingdom, in hopes that by a Legal Conviction of their Frauds, they may be obliged, for the future, to pay Your Majesties Customs according to Law, which will advance the Revenue at least Ten Thousand Pounds *per Annum*, and the true Interest of the Nation. (N. 4.)

That Your Petitioner was lately informed, That the said Jews petitioned Your Majesty in Council for a *Noli prosequi* on the said Actions, to which Your Petitioner made an Answer, and petitioned Your Majesty, That both might be Read before any Determination were made in the Matter; notwithstanding which, the said Jews now give out, That Your Majesty will grant the said *Noli prosequi* without it.

Your Petitioner therefore most Humbly prays Your Sacred Majesty, (considering that this is a National Case,) That You would please to hear both Parties, either with or without Council, and that then Your Majesty would please to give such Directions therein, as to Your Majesty in Your great Wisdom shall seem meet.

And Your Petitioner shall ever Pray, *&c.*

A Copy